

REMARKS/ARGUMENTS

Applicant's Unaddressed Arguments

In the previous Office Action, dated March 10, 2009, the Patent Office rejected claims 1-5 and 9-11 as being obvious over U.S. Pat. No. 6,665,997 (Chen) in view of U.S. Pat. No. 3,402,520 (Lee et al.) and claims 12, 18, 19, 20, 24, and 25 as being anticipated by U.S. Pat. No. 4,312,908 (Jasperson). In a Response thereto filed on September 10, 2009, the rejection was traversed via argument. The outstanding Office Action failed to acknowledge Applicant's arguments.

Rather than presenting new grounds of rejection, the outstanding Office Action substantially repeats the rejections as allegedly being obvious over Chen, but replaced the Jasperson reference with U.S. Pat. No. 3,402,520 (Lee et al.) without responding to the clear traversal in the previous Response filed September 10, 2009. Specifically, several arguments were made based upon deficiencies of the Chen reference, which Lee et al. is not cited to correct. This failure to answer the substance of Applicants' arguments renders the Office Action incomplete as to all matters, as is required by 37 C.F.R. § 1.104(b). Further, MPEP § 707.07(f) states that "[i]n order to provide a complete application file history and to enhance the clarity of the prosecution history record, an examiner must provide *clear explanations of all actions* taken by the examiner during prosecution of an application." (emphasis added). "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and *answer the substance of it.*" *Id.* (emphasis added). "The examiner must address all arguments which have not already been responded to in the statement of the rejection." MPEP § 707.07(f), Examiner Note 1.

In the present case, the outstanding Office Action essentially repeated the rejection presented in the previous Office Action and failed to address Applicant's clear traversals. In fact,

none of the previous arguments were specifically addressed in the outstanding Office Action. Failure to specifically respond to Applicant's arguments renders the Office Action arbitrary and capricious, and therefore invalid under the Administrative Procedure Act (5 U.S.C. § 706), a standard to which all Actions by the USPTO must adhere. See, generally, Dickenson v. Zurko, 527 U.S. 150 (1999).

It is respectfully requested that the Examiner address the substance of the arguments made in the Response in the next Office Action. Further, it is respectfully noted that at least because the outstanding Office Action is incomplete under 37 C.F.R. § 1.104(b) and does not meet the requirements of MPEP § 707.07(f), a next Action in this case **cannot be made final**.

Claim Rejections - 35 U.S.C. § 103

In the present Office Action, claims 1-3, 5-8, 11, 29-30, 32-41, and 43 are rejected under 35 U.S.C. § 103(a) as being obvious over Chen in view of Lee et al. It is respectfully submitted that the rejections be withdrawn for the following reasons.

Chen describes a conventional method of making a door or panel comprising two molded skins attached to a frame, wherein a core material, such as a plastic foam, is filled into the frame to form the door or panel. See col. 2, lines 6-19. Chen teaches affixing door skins 1, 2 to the rails 3, 4 and stiles 5, 6 of the door frame and thereafter filling up the internal core (or cavity) 9 of the door with polyurethane foam, or the like. On page 2 of the Office Action, the Office argues that Chen teaches attaching skins to a "precursor." (citing Figs. 7 and 8). However, as explained above, Chen teaches a conventional method of making a door where skins 1, 2 and stiles 5, 6 are filled with a core material, such as plastic foam—skins 1, 2 are not attached to a foam cell 9 as argued by the Office. While the Office cites Figs. 7 and 8 as teaching this feature, Figs. 7 and 8 are "exploded cross section" views that are intended to show the interlocking arrangement of the edge insert with the wooden stile. See col. 2, lines 46-53; col. 4, lines 27-35. Because Chen

discloses manufacturing a door by constructing a panel and then filling the panel with foam, Chen fails to teach independent claims 1 or 27.

Similarly, Lee et al. is exclusively directed towards panels formed in a conventional manner, in which a foam core is formed *in situ*. Thus, Lee et al. fails to cure the deficiencies of Chen. As independent claim 1 includes the discussed limitations, these claims are believed to be patentable for at least the reasons discussed above. Since claims 2, 3 and 5-8, 11, 29-30, and 43 ultimately depend on claim 1, and therefore include all the features of claim 1, it is respectfully submitted that these claims are not obvious over the disclosures of Lee et al. and Chen.

Claims 9, 10, and 18 are rejected under 35 U.S.C. § 103(a) as being obvious over Chen in view of Lee et al., and further in view of U.S. Pat. No. 4,312,908 (Jasperson). Jasperson describes a method of making composite elements. In the example referred to by the Examiner, at column 7, line 37 to column 8, line 17 of Jasperson, a composite product is made—including a core having plywood on one side and a concrete coating on the other side. There is nothing in Jasperson to disclose or suggest modifying a precursor prior to attaching a second skin. As a result, Jasperson fails to cure the deficiencies of Lee et al. and Chen with respect to independent claim 1. Because claims 9, 10, and 18 depend from claim 1, these claims are believed to be patentable for at least the reasons discussed above.

Further, claims 6, 7, 12-14, 27, and 31 are rejected under 35 U.S.C. § 103(a) as being obvious over Chen in view of Lee et al., and further in view of U.S. Pub. No. 2003/0200714 (Minke et al.). With regard to these rejections, the disclosure of Minke et al. relates exclusively to doors which are manufactured in the conventional manner by forming a door cavity which is subsequently filled with a gas-entrained cementitious material which is cured *in situ*. Consequently, Minke et al. fails to cure the deficiencies of Lee et al. and Chen with respect to independent claims 1 and 27. As claims 6, 7, and 12-14 depend from independent claim 1, and claim 31 depends from independent claim 27, these claims are patentable over the combination of Chen, Lee et al., and Minke et al. for at least the reasons given above.

Lastly, on page 9 of the Office Action, claim 28 is rejected under 35 U.S.C. § 103(a) as being obvious over Chen in view U.S. Pat. No. 6,401,414 (Steel et al.). As argued above, Chen fails to teach or suggest the limitations found in claim 27. Further, Steel et al. does not cure the deficiencies of Chen. Therefore, claim 28 is patentable over the combination of Chen and Steel et al.

Claim Rejections - 35 U.S.C. § 102

Claim 27 is rejected under 35 U.S.C. § 102(b) as being anticipated by Chen. As discussed above, Chen fails to teach attaching skins to a “precursor.” Thus, Chen fails to anticipate claim 27. Removal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that the pending claims are allowable. It is respectfully submitted that the rejections to the claims be withdrawn.

Conclusion

It is respectfully submitted that a full and complete response to the Office Action has been made. The claims are believed to be in condition for allowance. Early and favorable action is respectfully requested. If the Examiner has any further questions or concerns, the Examiner is invited to contact the undersigned.

The Applicant believes that a two month extension-of-time is needed in order to enter this Response. Please consider this to be a petition for an extension-of-time sufficient to enter this Response. The fee for the extension-of-time should be charged to Deposit Account No. 08-2442. If any additional fees are occasioned by this Response, the Director is hereby authorized to charge them to, or to credit, Deposit Account 08-2442 of the undersigned.

Serial No.: 10/557,834
Reply to Office Action of July 21, 2010

Attorney Docket No.: 018872.00163

Respectfully submitted,
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Date: December 21, 2010

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